



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application:

Joseph M. Pastore et al.

Title:

METHOD AND APPARATUS FOR MODULATING CELLULAR METABOLISM DURING POST-ISCHEMIA OR HEART FAILURE

Docket No.: 279.606US1

Serial No.: 10/645,823

Filed: August 21, 2003

Due Date: N/A

Examiner: Unknown

Group Art Unit: 3763

MS Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

☒ A return postcard.

☒ A Supplemental Information Disclosure Statement (2 pgs.), Form 1449 (1 pg.). Documents NOT enclosed.

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

Customer Number 21186

By:

Atty: Timothy H. Bianchi

Reg. No. 39,610

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18th day of November, 2004.

JAMES KAUYSIK  
Name

James Kauysik  
Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

(GENERAL)

S/N 10/645,823

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Joseph M. Pastore et al.	Examiner:	Unknown
Serial No.:	10/645,823	Group Art Unit:	3763
Filed:	August 21, 2003	Docket:	279.606US1
Title:	METHOD AND APPARATUS FOR MODULATING CELLULAR METABOLISM DURING POST-ISCHEMIA OR HEART FAILURE		

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicants respectfully request that this Supplemental Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants request that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

Pursuant to 37 C.F.R. §1.97(b), it is believed that no fee or statement is required with the Supplemental Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Deposit Account No. 19-0743 in order to have this Supplemental Information Disclosure Statement considered.

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Serial No.: 10 645,823

Filing Date: August 21, 2003

Title: METHOD AND APPARATUS FOR MODULATING CELLULAR METABOLISM DURING POST-ISCHEMIA OR HEART FAILURE

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Dkt: 279.606US1

The present application is a U.S. national patent application filed after June 30, 2003. Thus, Applicant believes that the U.S. Patent & Trademark Office has waived the requirement under 37 C.F.R. 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication. The waiver is provided in a pre-OG notice from the U.S. Patent & Trademark Office entitled "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003" and dated July 11, 2003. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2).

The Examiner is invited to contact the Applicants' Representative at the below-listed Telephone number if there are any questions regarding this communication.

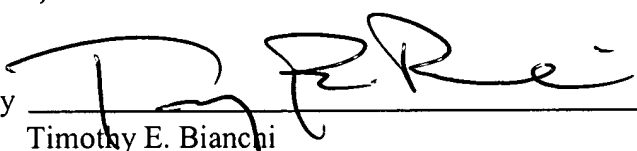
Respectfully submitted,

JOSEPH M. PASTORE ET AL.

By their Representatives,

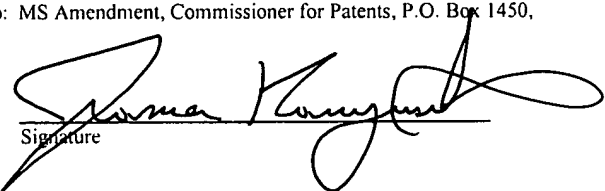
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
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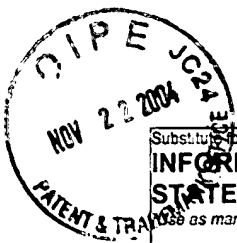
Date Nov. 16, 2004

By   
Timothy E. Bianchi  
Reg. No. 39,610

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JAMES KANYSIK  
Name

  
Signature



Substitute for form 1449A/PTO  
**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
(Use as many sheets as necessary)

Complete if Known

Application Number	10/645,823
Filing Date	August 21, 2003
First Named Inventor	Pastore, Joseph
Group Art Unit	3763
Examiner Name	Unknown

Sheet 1 of 1

Attorney Docket No: 279.606US1

**US PATENT DOCUMENTS**

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
	US-2002/0099328 A1	07/25/2002	Scheiner, A. , et al.	11/30/2001
	US-4,561,443	12/31/1985	Hogrefe, A. F., et al.	03/08/1983

**EXAMINER**

**DATE CONSIDERED**